

**FISCAL NOTE**  
**Department of Cultural Resources**

**Agency:** Department of Cultural Resources/ Division of Archives & Records

**Rule Citation:** 07 NCAC Subchapter 04M, Sections .0100-.0106, .0202-.0204, .0301-.0304, .0401-.0403, .0501-.0503, .0505, .0507-.0512  
07NCAC Subchapter 04V

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**Impact Summary:**

State government:	Yes
Local government:	No
Substantial economic impact:	No
Federal government:	No

**Authority:** G.S. 121-5

**Summary:**

07 NCAC Subchapter 04M applies to the Division of Archives and Records (Division) in the Department of Cultural Resources (DCR), previously identified at the Archives and Records Section. The entire subchapter was examined for moderate edits, including those reflecting the change in organizational structure within DCR that elevated the Archives and Records program to a division. Additional minor edits were suggested by agency legal counsel, including the use of the word “shall” in place of “will.” Edits to portions of the subchapter governing rules for access to and use of public research facilities were undertaken in order to ensure that all facilities of the Division followed the same rules. Portions of the subchapter governing the rules for the State Records Center were updated to include more specific language on records destruction and electronic public records.

07 NCAC Subchapter 04V applies to one facility managed by the Division. The section .0202 concerning rules for use of the gallery were moved to Subchapter 04M Section .0107. The rest of the subchapter has been deleted as all rules in it are subsumed in the proposed edits to subchapter 4M.

**Description of the rule change and summary**

Change name of subchapter

Archives and Records is now a division within the Department of Cultural Resources (DCR).

Section .0101 delete

A statement of purpose for the Division is not necessary for Administrative Code.

Section .0102 delete

Listing the public hours for Division programs is not necessary for Administrative Code.

Section .0103 delete

Information on services and research is available on the Division website and not in printed circulars.

Section .0104 edit

All stack access policies for staff and visitors should be the same for all facilities run by the Division. A model policy exists for use with all facilities. No additional staff time will be required to adopt the model policy for all facilities. In addition, no researchers' access will be impacted as current safety and security needs dictate that no researchers work directly in any records storage area. That practice was discontinued many years ago.

Section .0105 edit

Regulations governing research facilities have been updated to account for procedures in all Division facilities. Language was made generic where possible to account for any variations in procedures for handling records. Identification requirements have been and continue to be the same across the Division.

Section .0106 edit

The section has been edited to reflect currently available duplication services. Deleted services are no longer available due to inability to maintain equipment or purchase supplies, such as photographic prints from negatives. All duplication services are digital now. In addition, we no longer have any requests for typed certified copies.

Section .0107 added

This section has been added. The language in this section was previously in Subchapter 04V Section .0202. Moving this section under Subchapter 04M allows all regulations concerning public services and spaces to be in the same subchapter.

Section .0202 edit

Section edits reflect new division status.

Section .0203 edit

Section edits reflect new division status and name.

Section .0204 edit

Section edits reflect new division status.

Section .0301 edit

Section edits reflect need for only one section to encompass acceptance policies and procedures for all non-governmental records accessioned into Division collections.

Section .0302 delete

Section deleted. It is a conflict of interest for the Division to assign a value to a collection it is accepting as a donation. Staff is not qualified to assign value to collections nor to arrange for the valuation of potential gifts. Donors have always been responsible for any financial burden in seeking a valuation of gifts. Currently staff will refer donors to generic resources on locating a qualified appraiser, but we do not recommend particular companies or individuals. Deletion of this section will not result in any additional staff time, nor will it result in additional financial or time burdens for a donating individual.

Section .0303 delete

Section now incorporated in text for Section .0301.

Section .0303 delete

Section now incorporated in text for Section .0301.

Section .0304 delete

Section now incorporated in text for Section .0301.

Section .0401 edit

Section edits reflect the new division status. Additional text clarifies the established deaccession-related inventory procedures. Formatting changes provide improved structure for the section.

Section .0402 edit

Section edits reflect new division status. Additional text clarifies and expands the description of the established procedures for deaccession record-keeping. Formatting changes provide improved structure for the section.

Section .0403 edit

Section edits reflect approval process with new division status. Additional text clarifies and expands the description of the established procedures for deaccession of records. Formatting changes provide improved structure for the section.

Section .0501 edit

Custody of records can no longer be defined only as physical custody because electronic records may be in the custody of the DCR while stored on servers managed by DCR but located outside a DCR facility. Edits reflect the accommodation of electronic records. DCR added a statutory reference in the history note.

Section .0502 edit

Custody of records can no longer be defined only as physical custody because electronic records may be in the custody of the DCR while stored on servers managed by DCR but located outside a DCR facility. Edits reflect the accommodation of electronic records. DCR added a statutory reference in the history note.

Section .0503 edit

Section edits reflect amended transfer procedures to include transfer of electronic public records. The Division is just starting to accept electronic public records for transfer, and these procedures reflect current practices. The proposed rule codifies these procedures into rule while maintaining sufficient flexibility to adapt to future changes in software and hardware used for transfer. Additional formatting changes provide improved structure for this section.

Section .0505 delete

Agency legal counsel advised that this section was duplicative of Section .0502.

Section .0507 edit

Minor section wording edits on advice of agency legal counsel.

Section .0508 edit

Minor section wording edits on advice of agency legal counsel.

Section .0509 edit

Section edits reflect procedures that apply to paper or electronic public records. Additional text clarifies the established procedures for the destruction of records. DCR also added a statutory reference in the history note.

Section .0510 edit

Section edits reflect procedures that apply to paper or electronic public records. They also reflect current practices for the destruction of confidential public records. Destruction of paper records in the custody of the Division is governed by a no-cost vendor recycling contract. Currently any destruction of electronic public records has been done by the creating agency. No matter who destroys the electronic public record, as with paper records, standards for proper destruction of records need to be met so they may not be practicably reconstructed. Destruction of electronic records is governed by standards in the State Security Manual:

[https://www.scio.nc.gov/library/pdf/Statewide\\_Information\\_Security\\_Manual\\_2013.pdf](https://www.scio.nc.gov/library/pdf/Statewide_Information_Security_Manual_2013.pdf)

Section .0511 edit

Section edits reflect new division status. Additional text clarifies and expands the description of the established procedures for the destruction of certain records scheduled for transfer to the Division. Formatting changes provide improved structure for the section.

Section .0512 edit

Section edits accommodate procedures for all facilities managed by State Records Center. They also concur with provisions of proposed edits for Section .0104

Subchapter 4V delete

All provisions of Subchapter 4V are covered in Subchapter 4M. There is no need for an entire portion of the Administrative code to be devoted to one facility managed by the Division when all rules governing use of the facility and collections are included in Subchapter 4M.

### Costs and benefits

Revisions to section .0503 related to the transfer of electronic public records will have an impact on state agencies in the course of compliance with the new requirements. As with paper records, the Division requires agencies to transfer electronic public records in a manner that allows for the permanent access to and retention of these records. In order to preserve and make available electronic records, the new requirements ensure that steps are taken at the point of transfer to ensure the integrity of the records. These steps reduce the chance of errors that would result in corrupt files, files in outdated or unsupported software, or files without sufficient metadata to ensure future access. Any of these errors could result in the inability to access or preserve the permanently valuable electronic public records.

The Division anticipates that between 11 to 15 agencies will collectively make 32 to 40 transfers, which could cost the State between \$200 and \$7,000 in the form of opportunity costs of staff time within the next five years. See Table 1 below.

<b>Table 1 - Cost of Electronic Data Transfers</b>				
<b>Electronic Data Transfer</b>	<b>Small Data Transfer</b>		<b>Large Data Transfer</b>	<b>Frequency / # of Transfers</b>
Processing time (in minutes)	10		300	
Average hourly rate	\$	35.13		
Average cost per transfer	\$	5.86	\$ 175.66	
Average cost in total (lower frequency)	\$	187	\$ 5,621	32
Average cost in total (higher frequency)	\$	234	\$ 7,026	40
<b>Assumptions</b>				
<b>Processing time</b> - By reviewing time estimates for agencies that have completed data transfers, the Division estimates that it takes an average of 10 minutes of staff time for small transfers and an average of five hours of staff time for large transfers.				
<b>Frequency</b> - The Division anticipates that 11 to 15 agencies will collectively make 32 to 40 transfers as of October 2013. The State Archives Government Records Section queried their database of scheduled items to search for items that have electronic records in the description and any type of archival disposition. Agencies are not required to transfer records to The Division at any set time. Agencies may transfer records when they are eligible to do so, as outlined in an approved records retention and disposition schedule, or they may elect to retain them in office as long as they desire. The volume of permanent electronic records the Division identified in October 2013 may come to The Division within possibly the next five years. The agencies could have that same volume of records ready for another transfer within another possible five-year period; however, record schedules constantly change.				

**Average salary** - According to the State of North Carolina 2013 Compensation & Benefits Report, the average annual state employee compensation is \$64,643.

Minute Rate	Hourly Rate	\$/year
\$ 0.59	\$ 35.13	\$ 64,643

All other proposed changes have no fiscal impact to agencies or the public. The substantive benefit to agencies will be the updating of language to incorporate the transfer, custody, and destruction of electronic public records.

The proposed change to section .0302 will protect Division staff from potential conflicts of interest regarding the valuation of gifts for tax purposes. Staff will continue to refer potential donors to generic resources for finding a qualified appraiser. The impact of the rule change will be minimal, as staff does not currently take an active role in arranging for the valuation of potential gifts.

#### **Reducing the public burden**

To decrease the impact to the public, DCR has sought to consolidate all the code relating to the programs of the Division of Archives and Records into one subchapter. Rules and regulations outlined now apply universally to all facilities run by the Division.

#### **Public Interest**

This subchapter was last substantively updated in 1989. These edits represent a shorter, streamlined set of regulations outlining regulations governing the use of Division collections, procedures for the accessioning of non-public records, and the regulations governing other state agency records in the custody of the Division. Proposed edits strengthen the regulations governing the destruction of electronic and confidential public records.

## Appendix 1

07 NCAC Subchapter 4M is proposed to be amended as follows:

### CHAPTER 4 – OFFICE ~~DIVISION~~ OF ARCHIVES AND HISTORY

#### SUBCHAPTER 4M ~~ARCHIVES AND RECORDS SECTION~~ DIVISION OF ARCHIVE AND RECORDS

##### SECTION .0100 - ~~NORTH CAROLINA STATE ARCHIVES;~~ ARCHIVES OF NORTH CAROLINA: USE AND SERVICES

###### 07 NCAC 04M .0101 STATEMENT OF PURPOSE OF ARCHIVES AND RECORDS SECTION

~~It is the responsibility of the Archives and Records Section to promote and safeguard the documentary heritage of the state by preserving public records and private papers which have continuing research and reference value to scholars and private citizens; to make these records available to patrons of the Search Room and to answer letters of inquiry; to direct the records management and micrographic programs for state and local agencies and institutions; to assist these programs through educational programs, technical assistance, professional services, and written standards; to operate a central microfilming service and a state records center; to microfilm for security purposes the permanently valuable records in county, state and municipal offices; and to assist in the orderly disposal of records no longer required for administrative or research purposes.~~

*History Note:* Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a;  
Eff. February 1, 1985;  
Amended Eff. June 1, 1989.

###### 07 NCAC 04M .0102 ARCHIVES SEARCH ROOM HOURS

~~(a) The North Carolina State Archives Search Room is open from 8:00 a.m. to 5:30 p.m. Tuesday through Friday, and from 9:00 a.m. to 5:00 p.m. on Saturday.~~

~~(b) The Search Room is closed on Sundays and Mondays and on all state holidays. If a holiday occurs on either a Friday or a Saturday, the Search Room will be closed both Friday and Saturday. If a holiday is observed on Monday, the Search Room will be closed on the preceding Saturday. The Search Room will be closed for three days during the month of January for inventory.~~

*History Note:* Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a;  
Eff. February 1, 1985;  
Amended Eff. April 1, 2001; June 1, 1989; May 3, 1986.

###### 07 NCAC 04M .0103 ARCHIVES REFERENCE SERVICES

~~Reference services available to the public are outlined in an Archives Information Circular available at the Search Room desk.~~

*History Note:* Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a;  
Eff. February 1, 1985;  
Amended Eff. June 1, 1989.

###### 07 NCAC 04M .0104 ADMISSION TO ARCHIVES STACKS

~~(a) Permission for limited access to the archives stacks area may be obtained by researchers providing that an application is submitted stating the records to be consulted, the purpose of the access, and the reason why the~~

~~research cannot be conducted from the Search Room. Permission shall be granted only if necessary for the researcher to accomplish his purposes. The stacks storing archival collections are not public spaces.~~

~~(b) An application for limited access may be approved by the Administrator, Archives and Records Section, the Assistant State Archivist, or the supervisor of the Reference Unit.~~

~~(c) Permission for extended access to the archives stacks area may be obtained by researchers on the same basis for limited access, except that permission shall be obtained from the Administrator, Archives and Records Section, or his designated representative only.~~

*History Note: Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a;  
Eff. February 1, 1985;  
Amended Eff. April 1, 2001; June 1, 1989.*

## **07 NCAC 04M .0105 ARCHIVES SEARCH ROOM PUBLIC RESEARCH FACILITIES REGULATIONS**

Regulations governing researchers' use of the ~~North Carolina State~~ Division of Archives Search Room and Records public research facilities are as follows:

- (1) Brief cases, attache cases, bags, coats, tote bags, or other bulky clothing, notebooks, envelopes, pad folders, privately owned books, maps, and old manuscripts may not be taken into the ~~Archives Search Room, research rooms.~~ Lockers and coat racks are provided outside the ~~Search Room~~ research rooms for such items.
- (2) ~~Admission to the Search Room~~ Access to the archival collections shall only be by means of an identification card which shall be obtained from the Security Personnel in the Search Room lobby upon presentation of current photo identification, providing accurate name and address.
- (3) Researchers shall request archival records by filling in completely the call slips ~~provided; each slip must bear the identification number issued to the researcher. To receive records the identification card shall be surrendered to a member of the Search Room staff, or records request form provided by each facility.~~ Information required to request records includes researcher's name, date, and citation or records to be requested.
- (4) Research facilities in Raleigh issue patrons identification cards to be used when requesting archival records. To receive records in Raleigh, the identification card shall be surrendered to a member of the research room staff. Upon leaving the research room in Raleigh, the researcher shall surrender his or her identification card to a member of the research room staff.
- ~~(4)~~(5) A researcher may request more than one box or volume of ~~records at the time; these shall be held at the reference desk until the researcher is ready for them.~~ records. However, a researcher may access only one box of loose records or up to three volumes of records ~~may be issued to the researcher at any one time.~~ When use of the box or volumes or box is completed, the researcher shall return the ~~used~~ records prior to the reference desk in order to obtain ~~obtaining~~ another box or other volumes of records.
- ~~(5)~~(6) Upon return of the records to the Search Room reference desk, they may be examined, and if the researcher has completed his work, the identification card shall then be returned to him. Upon leaving the Search Room, the researcher shall surrender the identification card to the Security Personnel ~~who may~~ Staff shall examine any materials the researcher brings into or removes from the research ~~Search Room, room.~~
- ~~(6)~~(7) Researchers ~~must~~ shall exercise care in handling records, manuscripts, books, or other materials. In particular, ~~the following patrons shall be observed; observe the following:~~
  - (a) Manuscripts may not be marked or otherwise altered or defaced.
  - ~~(c)~~(b) Pens, highlighters, and other writing instruments that create permanent marks shall not be permitted in research rooms.
  - ~~(b)~~(c) ~~Pencils or other items are not to~~ No items shall be used as "pointers" when reading original records.
  - ~~(c)~~(d) Tape and other office supplies, such as correction fluid and gum erasers, ~~are~~ shall not be permitted in the ~~Search Room; research room;~~ pencils ~~are to~~ shall be used with great care to ensure no marks or other damages are made to the materials.
  - ~~(d)~~(e) Books or other materials ~~may~~ shall not be returned to ~~Search Room~~ research room shelves; these shall be replaced by a ~~Search Room~~ staff member.

- (e)(f) All manuscripts, volumes and reference books from the ~~Search Room~~ research room shelves ~~are to~~ shall be placed on the tables or reading stands provided in the ~~Search Room; research room;~~ research room; they ~~are~~ shall not ~~to~~ be held in the lap or propped against the edge of a table.
- (f)(g) Only one box ~~or~~ and one folder of loose papers ~~may from that box~~ shall be opened at one time in order to avoid ~~mixing;~~ mixing of records or folders.
- (g)(h) Papers ~~are~~ shall not ~~to~~ be rearranged under any circumstances. If a researcher thinks something is out of order, he ~~should~~ or she shall notify a ~~Search Room~~ staff member.
- (h)(i) Records from the stacks and reference materials from the ~~Search Room~~ research room ~~are~~ shall not be permitted in the microfilm reading room.
- (7)(8) Smoking, eating, or drinking is shall not be permitted in the ~~Search Room;~~ research room. ~~food is to be left in the outer lobby of the Search Room.~~ A researcher wishing to ~~leave the Search Room~~ temporarily leave the research room must turn in all pulled archival records ~~in order to obtain his identification card to leave the Search Room~~ and shall verify his registration when ~~reentering the Search Room.~~ Eating is ~~not permitted in the lounge near the elevators.~~ Space is provided at the ~~Snack Bar in the basement for this purpose.~~ reentering.
- (8)(9) Orders for copies placed in person by a researcher shall not exceed 50 copies per researcher per day. Such orders ~~are~~ shall be paid at the time the copies are made and may not be billed.
- (10) Equipment deemed by the Archives Conservator to be damaging to archival records may not be used in the research rooms. The Archives Conservator shall make this determination based upon harm caused by excessive light exposure, tearing, or otherwise defacing the document. This shall include the use of equipment that sits on top of or pulls an original item through it to capture the image or provides light levels that damage the document.

*History Note:* Authority G.S. 121-4(3); 121-5(d); 132-6.2; 143B-62(2)a;  
Eff. February 1, 1985;  
Amended Eff. April 1, 2001; June 1, 1989.

#### **07 NCAC 04M .0106      DUPLICATION      SERVICES      ~~PHOTOCOPYING:      TRANSCRIPTION:~~ PHOTOGRAPHIC: AND DOCUMENT**

The following duplication services are available for archival records in the ~~North Carolina State Archives;~~ custody of the Division of Archives and Records;

- (1) photocopies of loose documents;
- (2) imaging of paper and photographic reproductions of maps, newspapers, mounted documents, and bound volumes; materials;
- (3) paper prints from microfilm;
- (4) negative, first-generation or "original" microfilm of records and manuscripts in the custody of the Division, except those under restriction by law or donation agreement;
- (5) duplicate microfilm of entire rolls of microfilm in the collections of the ~~State Archives;~~ Division;
- (6) typed, certified transcripts of information from ~~Revolutionary Army Accounts in the records of the North Carolina Treasurer and Comptroller; from "Register of the North Carolina Continental Line"; from John W. Moore's "Roster of North Carolina Troops in the War Between the States"; and from "Muster Rolls of the Soldiers of the War of 1812: Detached from the Militia of North Carolina in 1812 and 1814";~~
- (7)(6) certified photocopies of public records of state agencies, counties, municipalities or other political subdivisions of North Carolina; and
- (8)(7) exemplifications prepared ~~in accordance with the requirements of the "Ancient Writings" rule for introduction as evidence in a court of law; and law.~~
- (9) ~~prints from the photographic negatives in the State Archives iconographic collection.~~

*History Note:* Authority G.S. 121-4(3); 121-5(d); 132-6.2; 143B-62(2)a;  
Eff. February 1, 1985;  
Amended Eff. April 1, 2001; June 1, 1989.

#### **07 NCAC 04M .0107      OUTER BANKS HISTORY CENTER GALLERY REGULATIONS**

- (a) Eating, drinking, and smoking are not permitted in the Gallery.



- (b) Visitors may not touch artifacts, art works, or graphics.
- (c) Children under 12 years of age must be accompanied by an adult over age 18.

*History Note:* Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a;

## SECTION .0200 - LISTING OF PROFESSIONAL RESEARCHERS

### 07 NCAC 04M .0201 ARCHIVES MAY MAINTAIN LIST OF RESEARCHERS

As a service, the State Archives may maintain a list of professional researchers who are willing and able to undertake research service in the State Archives for a fee. This list is informational only and no endorsement is given or implied.

*History Note:* Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a;  
Eff. February 1, 1985;  
Amended Eff. April 1, 2001.

### 07 NCAC 04M .0202 PROCEDURE FOR LISTING

- (a) A person wishing to have his name listed as professional researcher shall make application in writing to: ~~Administrator, Archives and Records Section, Director, Division of Archives and History, Records,~~ 4614 Mail Service Center, Raleigh, North Carolina 27699-4614.
- (b) The application shall include a brief resume of the applicant's experience which will demonstrate his qualifications and aid in establishing his credentials. No special form is required for the application.
- (c) The application must be accompanied by three letters of recommendation from persons who have engaged the applicant in the capacity of a paid researcher.
- (d) Letters of recommendation shall be from persons who are:
  - (1) unrelated to the applicant or the applicant's spouse; and
  - (2) unacquainted with the applicant except as a researcher.
- (e) The recommendations shall:
  - (1) outline the nature and extent of the research which the applicant undertook for pay; and
  - (2) attest the satisfaction of the reference with the services rendered.

*History Note:* Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a;  
Eff. February 1, 1985;  
Amended Eff. April 1, 2001.

### 07 NCAC 04M .0203 APPROVAL OF REQUESTS

The ~~Administrator, Director, Division of Archives and Records Section, Records,~~ shall review applications submitted for inclusion in the list of professional researchers. If determined that the applicant satisfies the procedures for listing that satisfies the procedures for listing as set forth in Rule .0202 of this Section, then the name of the researcher shall be placed on the list of available researchers as published by the ~~North Carolina State Archives, State Archives of North Carolina.~~

*History Note:* Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a;  
Eff. February 1, 1985;  
Amended Eff. April 1, 2001; June 1, 1989.

### 07 NCAC 04M .0204 REMOVAL OF NAMES FROM THE LIST

- (a) The Director of the Division of Archives and ~~History~~ Records may for good cause remove any person from the list of professional researchers.
- (b) The term "good cause" as used in this Rule shall mean:
  - (1) misrepresentation of credentials or services to be provided; or
  - (2) consistent complaints on the part of patrons about the work of the researcher.

*History Note:* Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a;  
Eff. February 1, 1985.

**07 NCAC 04M .0205 — DEFINITION OF GOOD CAUSE**

The words "good cause" as used in this Section shall mean:

- (1) ~~misrepresentation of credentials or services to be provided; or~~
- (2) ~~consistent complaints on the part of patrons about the work of the researcher.~~

*History Note:* Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a;  
Eff. February 1, 1985;  
Amended Eff. April 1, 2001.

**SECTION .0300 - ACCESSIONING PROCEDURES OF OTHER THAN PUBLIC RECORDS**

**07 NCAC 04M .0301 ACCEPTANCE OF PRIVATE NON-GOVERNMENT PAPERS**

(a) ~~Original private papers materials of historical and cultural significance may be accepted for custody in the State Archives of North Carolina State Archives either as a gift or on a loan basis, gift, subject to the approval of the History, the Chief of the Archives and Records Section, Director of the Division of Archives and Records, or a designated representative. Prior to acceptance, the Division shall provide a contract of gift for the donor(s) to execute. The contract of gift shall be maintained in the Division's permanent files.~~

(b) Materials that may be accepted include:

- (1) private manuscripts;
- (2) audio visual materials;
- (3) records of private, professional, or civic organizations;
- (4) copies of pre-1913 family Bible pages listing genealogical data; and
- (5) student and academic and financial aid records from defunct post-secondary schools and colleges having a campus in North Carolina.

*History Note:* Authority G.S. 121-4(1); 121-4(3); 121-5(d); 143B-62(2)a;  
Eff. February 1, 1985;  
Amended Eff. June 1, 1989.

**07 NCAC 04M .0302 VALUATION**

~~The North Carolina State Archives shall upon request by the donor, help arrange for the valuation of a gift for tax purposes by an independent appraiser, who shall report that valuation to the donor.~~

*History Note:* Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a;  
Eff. February 1, 1985;  
Amended Eff. April 1, 2001.

**07 NCAC 04M .0303 ORGANIZATIONAL RECORDS**

~~The North Carolina State Archives may accept the records of private, professional, or civic organizations judged to be relevant to the history of the state. A contract of gift must accompany records of both defunct and active organizations.~~

*History Note:* Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a;  
Eff. February 1, 1985;  
Amended Eff. June 1, 1989.

#### **07 NCAC 04M .0304 BIBLE RECORDS**

~~Family bibles are not accepted by the State Archives; however, pages containing pre 1913 information such as records of births, deaths, baptisms and marriages of North Carolina families will be photocopied and accessioned by the State Archives.~~

*History Note: Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a;  
Eff. February 1, 1985;  
Amended Eff April 1, 2001.*

### **SECTION .0400 - DEACCESSIONING OF RECORDS**

#### **07 NCAC 04M .0401 REVIEW**

~~Whenever, in the opinion of the Administrator of the Archives and Records Section, any accessioned records in the North Carolina State Archives should be destroyed, transferred to another institution, returned to the donor, or for some other reason de-accessioned, each record series of the subject records shall be inventoried in detail.~~

(a) The Director, Division of Archives and Records shall determine any accessioned records in the State Archives of North Carolina when records are:

- (1) duplicates;
- (2) not in keeping with the collection policies of the Division; or
- (3) no longer have permanent historical value.

(b) Each record series of the subject records shall be inventoried in detail. The inventory shall be forwarded to the Director of the Office of Archives and History.

*History Note: Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a;  
Eff. February 1, 1985;  
Amended Eff. April 1, 2001.*

#### **07 NCAC 04M .0402 PREPARATION OF LISTS**

~~Following review by the Director of the Division of Archives and History, a list shall be prepared containing for each series of records a description, inclusive dates, and the volume of the subject records. There shall be attached to each item description a statement justifying the proposed disposal of the records involved.~~

If the Director of the Office of Archives and History concurs with the decision to deaccession the identified records series, the Director shall ask the staff of the Division of Archives and Records to prepare a detailed list for each series of records. The detailed list shall include:

- (a) series name;
- (b) description of the records;
- (c) inclusive date and volume of records;
- (d) statement of rationale for decision to deaccession the records; and
- (e) statement of proposed disposition of the records. Disposition methods include:
  - (1) destruction; or
  - (2) transfer to another institution; or
  - (3) return to donor or heirs.

*History Note: Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a,b;  
Eff. February 1, 1985.*

#### **07 NCAC 04M .0403 APPROVAL BY HISTORICAL COMMISSION**

~~The description and the statement of justification shall be reviewed by the Director of the Division of Archives and History, and shall be sent to each member of the North Carolina Historical Commission at least seven days in advance of the meeting in which the proposal will be considered.~~

~~Following approval by the North Carolina Historical Commission, a complete list of the records authorized to be destroyed by the Commission shall be entered into the minutes of the Commission.~~

~~The subject records may be destroyed following receipt of notification of the approval for destruction by the North Carolina Historical Commission.~~

(a) The Director of the Office of Archives and History shall send the list as set forth in Rule .0402, the rationale for the decision to deaccession the records, and the proposed disposal of the records to each member of the North Carolina Historical Commission at least seven days before the meeting at which the proposal will be considered.

(b) Following approval by the North Carolina Historical Commission, the complete list of records authorized for deaccessioning will be entered into the minutes, along with the proposed disposal method.

(c) Upon receipt of the minutes of the Commission granting permission for deaccessioning, the Director of the Division of Archives and Records may proceed as directed by the Commission, retaining complete records of the action within the Division's files.

*History Note:* Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a,b;  
Eff. February 1, 1985.

## **SECTION .0500 - STATE RECORDS CENTER**

### **07 NCAC 04M .0501 TRANSFER OF RECORDS TO STATE RECORDS CENTER**

The State Records Center ~~will~~ shall accept for transfer to its ~~physical~~ custody the records of state agencies, county agencies, or municipal agencies, ~~providing~~ provided the records are scheduled to be transferred to the State Records Center on an approved records retention and disposition ~~schedule or an approved records retention and disposition standard.~~ schedule. A records retention and disposition schedule is approved when signed by the creating agency and the Department of Cultural Resources.

*History Note:* Authority G.S. 121-4(2); 121-5(d); 132-8.1; 143B-62(2)b;  
Eff. February 1, 1985.

### **07 NCAC 04M .0502 LEGAL CUSTODY OF RECORDS**

(a) Public records ~~transferred sent to and physically stored in~~ the State Records Center in accordance with the provisions of an approved records retention and disposition ~~schedule or standard,~~ schedule, or in accordance with any other agreement between the Department of Cultural Resources and the originating agency or department, are considered to remain in the legal and official custody of the agency that created or received the records and that transferred them to the State Records Center. A request for access to, or inspection of, ~~paper or microfilm~~ these records ~~in the physical custody of the State Records Center~~ by a person other than an authorized employee of the legal custodian ~~will~~ shall not be honored until authority in writing has been granted by an appropriate official of the agency having legal custody.

(b) Public records transferred to the Division of Archives and Records for permanent retention may be accessed through the public research areas of the Division.

*History Note:* Authority G.S. 121-4(2); 121-5(d); 132-6; 143B-62(2)b;  
Eff. February 1, 1985;  
Amended Eff. June 1, 1989.

### **07 NCAC 04M .0503 PROCEDURES FOR TRANSFER OF RECORDS**

~~(a) Physical transfer of records to the State Records Center shall be initiated by the agency or organization requesting transfer. A representative of the said agency or organization will submit to the State Records Center supervisor a records transfer notice including agency name, title of records, reference to schedule, volume of records, their inclusive dates, and the name and telephone number of the representative submitting the request.~~  
~~(b) Records Center boxes, together with paper tape and instructions on packing and labeling, shall be sent to the agency transferring records upon request, and at the expense of the agency.~~  
~~(c) Only records packed in Records Center boxes shall be accepted for storage in the State Records Center.~~  
~~(d) The agency or organization initiating the transfer shall arrange records in the boxes and label boxes in accordance with instructions. Boxes which do not comply with instructions shall be returned to the agency or organization for correction.~~  
~~(e) Records which cannot be identified clearly and completely by the information on the label of the Records Center box must be accompanied by a typewritten index or box list prepared by the agency or organization of origin.~~  
~~(f) Records transferred from within ten miles of Capitol Square, Raleigh, shall be shipped by arrangement with the Supervisor, State Records Center. Records transferred from beyond ten miles of Capitol Square, Raleigh, must be shipped by the agency or organization concerned, and at its expense.~~

(a) An agency or organization shall initiate the transfer of records to the State Records Center. A representative of the agency or organization shall submit to the State Records Center supervisor a records transfer notice including agency name, title of records, reference to schedule, quantity of records, their inclusive dates, and the name and telephone number of the representative submitting the request.

(b) For transfer of paper and other physical media, the following guidelines shall be adhered to by the transferring agency:

- (1) Records Center boxes, together with paper tape and instructions on packing and labeling, shall be sent to the agency transferring records upon request, and at the expense of the agency.
- (2) Only records packed in Records Center boxes shall be accepted for storage in the State Records Center.
- (3) The agency or organization initiating the transfer shall arrange records in the boxes and label boxes in accordance with instructions. Boxes that do not comply with instructions shall be returned to the agency or organization for correction.
- (4) Records that cannot be identified clearly and completely by the information on the label of the Records Center box shall be accompanied by a typewritten index or box list prepared by the agency or organization of origin.
- (5) Records transferred from within ten miles of Capitol Square, Raleigh, shall be shipped by arrangement with the Supervisor, State Records Center. Records transferred from beyond ten miles of Capitol Square, Raleigh, shall be shipped by the agency or organization concerned, and at its expense.

(c) For transfer of electronic public records, the following guidelines shall be adhered to by the transferring agency:

- (1) Transfers of databases shall be accompanied by index information required in G.S. 132-6.1.
- (2) Agencies shall scan records and find them to be free of viruses.
- (3) Agencies shall generate a hash algorithm for each file being transferred. The agency shall include the hash algorithm as part of the transfer.
- (4) Agencies shall include any metadata generated at the time of file creation and any subsequent metadata created during the use of the file in the records transfer.
- (5) Upon receipt of the transfer of electronic records, the State Records Center shall verify that the electronic records transferred were complete and unaltered prior to accepting them for storage by the Division of Archives and Records.

*History Note:* Authority G.S. 121-4(2); 121-5(d); 143B-62(2)b;  
Eff. February 1, 1985;  
Amended Eff. April 1, 2001; June 1, 1989.

## **07 NCAC 04M .0504 PHYSICAL TRANSMITTAL OF RECORDS**

*History Note:* Authority G.S. 121-4(2); 121-5(d); 143B-62(2)b;  
Eff. February 1, 1985;

*Repealed Eff. June 1, 1989.*

**07 NCAC 04M .0505      RECORDS CENTER REFERENCE SERVICE**

~~The agency or organization of origin retains legal custody of records transferred to the State Records Center. Anyone or any other agency desiring access to, or copies of, records must obtain written authorization from the legal custodian or his designated representative. Requests for records or reference service will be made on forms provided by the State Records Center. In an emergency, records or reference service may be provided after telephoned request and with the approval of the Chief, Archives and Records Section.~~

*History Note:      Authority G.S. 121-4(2); 121-5(d); 143B-62(2)b;  
Eff. February 1, 1985;  
Amended Eff. June 1, 1989.*

**07 NCAC 04M .0506      PERSONAL PICKUP FOR EMERGENCY REFERENCE**

Records approved for emergency reference shall not be mailed or sent by interagency messenger service. The representative sent to retrieve records must bring identification and written authorization for release signed by the legal custodian.

*History Note:      Authority G.S. 121-4(2); 121-5(d); 143B-62(2)b;  
Eff. February 1, 1985;  
Amended Eff. June 1, 1989.*

**07 NCAC 04M .0507      PERSONNEL RECORDS**

Any employee or former employee desiring access to personnel records ~~must~~ shall make the request through the personnel office of the agency ~~which~~ that retains legal custody of the records. Upon receipt of request from the appropriate personnel office, the State Records Center will forward personnel information to that office.

*History Note:      Authority G.S. 121-4(2); 121-5(d); 143B-62(2)b;  
Eff. February 1, 1985;  
Amended Eff. June 1, 1989.*

**07 NCAC 04M .0508      CERTIFICATION BY AGENCY WITH CUSTODY**

~~Only copies of records that are in the legal custody of the~~ The Department of Cultural Resources ~~may be~~ shall ~~certified by the Department~~ certify only copies of records that are in its legal custody. Copies of records that are in the physical custody of the State Records Center must be certified by the agency having legal custody, if such certification is requested. ~~In the event that~~ If records of terminated agencies are in the State Records Center and are in the legal custody of the Department of Cultural Resources, copies may be certified by the Department of Cultural Resources.

*History Note:      Authority G.S. 121-4(2),(3); 121-5(d); 132-4; 143B-62(2)b,c;  
Eff. February 1, 1985.*

#### **07 NCAC 04M .0509      DESTRUCTION OF RECORDS IN STATE RECORDS CENTER**

The provisions of an approved records retention and disposition schedule ~~will~~ shall apply to the records ~~in the physical custody of the State Records Center since the records that~~ remain in the legal custody of the agency concerned. ~~When the approved disposition is destruction, the records will not be destroyed until concurrence in writing of the agency with legal custody is received.~~ The records shall not be destroyed until the agency with legal custody concurs in writing.

*History Note:*      Authority G.S. 121-4(2); 121-5(b),(c),(d); 132-8.1 143B-62(2)b;  
Eff. February 1, 1985.

#### **07 NCAC 04M .0510      METHODS DEFINITION OF DESTRUCTION**

(a) When used in an approved records retention and disposition schedule, the provision that paper records are to be destroyed means that the records are to be:

- (1) burned, unless prohibited by local ordinance;
- (2) shredded or torn ~~up~~ so as to destroy the record content of the documents or materials concerned;
- (3) placed in acid vats so as to reduce the paper to pulp and to terminate the existence of the document or materials concerned; or
- ~~(4) buried under such conditions that the record nature of the documents or materials shall be terminated; or~~
- ~~(5)~~(4) sold as waste paper, provided that the purchaser agrees in writing that the documents or materials concerned will not be resold ~~as documents or records.~~ without pulverizing or shredding the documents so that the information contained within cannot be practicably read or reconstructed.

(b) When used in an approved records retention and disposition schedule, the provision that electronic records are to be destroyed means that the data and metadata are to be overwritten, deleted, and unlinked so the data and metadata may not be practicably reconstructed.

(c) When used in an approved records retention and disposition schedule, the provision that confidential records of any format are to be destroyed means the data, metadata, and physical media are to be destroyed in such a manner that the information cannot be read or reconstructed under any means.

*History Note:*      Authority G.S. 121-4(2); 121-5(b),(c),(d); 132-3; 132-8.1; 132-8.2; 143B-62(1)g; 143B-62(2)b;  
143B-62(2)b;  
Eff. February 1, 1985;  
Amended Eff. April 1, 2001; June 1, 1989.

#### **07 NCAC 04M .0511      DESTRUCTION OF CERTAIN RECORDS SCHEDULED FOR ARCHIVES**

Records scheduled in an approved records retention and disposition schedule to be transferred to the State ~~for review or accepted by the State Records Center for the State Archives~~ Archives, but not yet accessioned by the State Archives may be destroyed ~~in accordance with procedures approved by the Director of the Division of Archives and History~~ providing:

- (1) The records are considered by the Director of the Division of Archives and History not to have permanent ~~value.~~ historical value; or
- (2) The records are exact duplicates or copies of other records in the records series transferred or accessioned.

*History Note:*      Authority G. S. 121-4(2); 121-5(b),(c),(d); 132-8.1; 132-8.2; 143B-62(1)g; 143B-62(2)b;  
Eff. February 1, 1985;  
Amended Eff. April 1, 2001; June 1, 1989.

#### **07 NCAC 04M .0512      RESTRICTED AREAS IN STATE RECORDS CENTER FACILITIES**

Access to the facilities controlled by the State Records Center ~~is~~ shall be limited to persons on official business. Visitors ~~are~~ shall not be permitted in the records storage ~~areas the microfilm areas,~~ areas, or beyond the administrative office without an escort provided by the State Records Center. All visitors ~~are required to~~ shall sign in

when entering and to sign out when leaving the ~~State Records Center building~~. Visitors who are not known to the ~~State Records Center staff~~ will be required to produce identification before being given records requested by ~~agencies~~. Access by visitors not on official business may shall be denied.

*History Note:* Authority G.S. 121-4(2); 132-6; 143B-62(2)b;  
Eff. February 1, 1985;  
Amended Eff. April 1, 2001; June 1, 1989.

## **Appendix 2**

07 NCAC Subchapter 4v is proposed to be repealed:

### **~~CHAPTER 4 – DIVISION OF ARCHIVES AND HISTORY~~**

#### **~~SUBCHAPTER 4V – OUTER BANKS HISTORY CENTER~~**

##### **~~SECTION .0100 – OUTER BANKS HISTORY CENTER: USE AND SERVICES~~**

###### **07 NCAC 04V .0101 STATEMENT OF PURPOSE**

~~The purpose of the Outer Banks History Center is to promote and safeguard the documentary and cultural heritage of the state by collecting, preserving, and cataloging published works, manuscripts, audio-visual, and graphic materials relevant to the Outer Banks; to make these materials available to the public on a regularly scheduled basis; to sponsor research projects in North Carolina coastal history; to provide professional and technical assistance to patrons; and to operate a public history gallery.~~

*History Note:* Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a.;  
Eff. March 1, 1990.

###### **07 NCAC 04V .0102 OUTER BANKS HISTORY CENTER SEARCH ROOM HOURS**

~~(a) The Outer Banks History Center Search Room is open to the public from 9:00 a.m. to 5:00 p.m. Monday through Friday.~~

~~(b) The Outer Banks History Center Search Room is closed on Saturdays, Sundays, official state holidays, and two days in January for inventory.~~

*History Note:* Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a.;  
Eff. March 1, 1990.

###### **07 NCAC 04V .0103 OUTER BANKS HISTORY CENTER REFERENCE AND TECHNICAL SERVICES**

~~Reference and technical services available to the public are outlined in a brochure available in the lobby of the Outer Banks History Center.~~

*History Note:* Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a.;  
Eff. March 1, 1990.

###### **07 NCAC 04V .0104 ADMISSION TO OUTER BANKS HISTORY CENTER STACKS**



~~Permission for extended access to the Outer Banks History Center stacks may be obtained from the Curator, provided that a letter of application is submitted stating the material to be consulted and the reason why the research cannot be conducted from the Search Room. Upon verbal request, stack access not to exceed two hours may be granted by the Curator or his designated representative, provided that the person granted this access is accompanied by a member of the Outer Banks History Center staff.~~

*History Note:* Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a.;  
Eff. March 1, 1990.

## **07 NCAC 04V .0105 OUTER BANKS HISTORY CENTER SEARCH ROOM REGULATIONS**

~~Regulations governing public use of the Outer Banks History Center Search Room are as follows:~~

- ~~(1) Briefcases, coats, privately owned books, papers, and similar materials considered inappropriate by the Outer Banks History Center Curator may not be carried into the Search Room. Lockers are provided in the lobby for such materials.~~
- ~~(2) Admission to the Search Room shall be granted only after proper identification is provided to the attending staff member. Researchers may be registered by either a daily admission slip or by a permanent patron identification card. The initial permanent identification card is provided free of charge to any requesting patron; a charge of one dollar (\$1.00) is assessed for a replacement card.~~
- ~~(3) Researchers will request materials by filling in call slips and surrendering their admission slip or patron card to the Search Room staff.~~
- ~~(4) When a researcher has completed use of the materials, a Search Room staff member must be notified. The staff member may inspect these materials and any personal property carried into the Search Room before returning the researcher's patron card or daily admission slip.~~
- ~~(5) Researchers must exercise care in the use of materials, specifically observing the following:~~
  - ~~(a) Materials may not be marked or otherwise altered or defaced.~~
  - ~~(b) Pencils are the only writing instruments permitted in the Search Room.~~
  - ~~(c) All materials are to be placed flat on tables or on stands; materials may not be held in the lap or propped against the edge of a table.~~
  - ~~(d) Materials, including those from the Search Room reference case, may not be removed from the Search Room area.~~
  - ~~(e) To avoid possible mixing of records, only one box or folder of loose material may be opened at one time.~~
- ~~(6) Smoking, eating, and drinking are not permitted in the Search Room when any materials from the stacks are present.~~
- ~~(7) Use of Outer Banks History Center computers is restricted to scheduled time periods; researchers may perform only on-line database searches and produce only terminal display reports; printouts and graphic reproductions may be made only by the center staff.~~
- ~~(8) Printouts, graphic reproductions, and photocopies will be made on an "as you wait" basis if the equipment and operator are available. Descriptions of these and similar services, the procedures for requesting these services, and their current costs, are described in an informational brochure available in the Outer Banks History Center Lobby.~~

*History Note:* Authority G.S. 121-4(3); 121-4(14); 121-5(d); 143B-62(2)a.;  
Eff. June 1, 1990.

## **SECTION .0200 - PUBLIC HISTORY GALLERY USE**

### **07 NCAC 04V .0201 PUBLIC HISTORY GALLERY HOURS**

- ~~(a) The Public History Gallery of the Outer Banks History Center is open to the public from 10:00 a.m. to 4:00 p.m. Monday through Friday.~~  
~~(b) The Public History Gallery is closed on Saturdays, Sundays, official state holidays, and upon occasion, for announced meetings, special events, or exhibit preparation.~~

*History Note:* Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a.;  
Eff. March 1, 1990.

**07 NCAC 04V .0202 PUBLIC HISTORY GALLERY REGULATIONS**

- ~~(a) Eating, drinking, and smoking are not permitted in the Gallery.~~  
~~(b) Visitors may not touch art works or graphics.~~  
~~(c) Children under 12 years of age must be accompanied by an adult.~~

*History Note:* Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a.;  
Eff. March 1, 1990.